

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RUPAN CHAKMA, SULOY TRIPORA, TAPAN KANTI  
TANCHANGYA, TIYANIT KAEWPAN, and PRAMITA  
CHAKMA, on behalf of themselves and others similarly  
situated,

Plaintiffs,

- against -

SUSHI KATSUEI, INC. d/b/a SUSHI KATSUEI PARK  
SLOPE, ROYAL KATSUEI, INC. d/ba SUSHI KATSUEI  
WEST VILLAGE, AYE AYE SWE, and AUNG KO WIN,

Defendants.

Case No. 1:23-cv-07804-KPF

**AFFIRMATION OF DIANA Y.  
SEO IN SUPPORT OF  
DEFENDANTS' OPPOSITION  
TO PLAINTIFFS' MOTION  
FOR CLASS  
CERTIFICATION**

I, Diana Y Seo, declare under the penalty of perjury pursuant to 28 U.S.C. §1746 as follows:

1. I am a member of the law firm of Seo Law Group, PLLC, attorney of record for the Defendants in this action. As such, I am fully familiar with the facts and circumstances of this matter.

2. I submit this Declaration ("Seo Decl.") in support of Defendants' opposition to Plaintiffs' Motion for Class Certification conditional collective certification pursuant to Fed. R. Civ. P. 23 ("Defendants' Opposition").

3. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff TAPAN KANTI TANCHANGYA's time and paystubs reflecting his working hours and rates of pay for the work performed at Sushi Katsuei, Inc. from May 17, 2021 until June 13, 2021.

4. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiff PRAMITA CHAKMA's paystubs reflecting her rate of pay for the work performed at Sushi Katsuei, Inc. from May 17, 2021 until June 13, 2021.

5. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiff SULOY TRIPORA's paystubs reflecting her rate of pay for the work performed at Sushi Katsuei, Inc. from May 17, 2021 until June 13, 2021.

6. Attached hereto as **Exhibit D** is a true and correct copy of Plaintiff RUPAN CHAKMA's paystubs reflecting his rate of pay for the work performed at Sushi Katsuei, Inc. from May 17, 2021 until June 13, 2021.

7. Attached hereto as **Exhibit E** is a true and correct copy of Royal Katsuei Inc.'s paystubs issued to a waitstaff, Thitama Ananta, reflecting her rate of pay for the work performed at Royal Katsuei, Inc. from May 10, 2021 until June 19, 2021.

8. Attached hereto as **Exhibit F** is a true and correct copy of Plaintiff TIYANIT KAEWPAN's paystubs reflecting the frequency of the payments that she received from Sushi Katsuei Inc., prior to October 31, 2022 (e.g., on a bi-weekly basis) and after October 31, 2022 (e.g., on a weekly basis).

9. Attached hereto as **Exhibit G** is a true and correct copy of Plaintiff RUPAN CHAKMA's paystubs reflecting the frequency of the payments that he received from Sushi Katsuei Inc., prior to October 31, 2022 (e.g., on a bi-weekly basis) and after October 31, 2022 (e.g., on a weekly basis).

10. Attached hereto as **Exhibit H** is a true and correct copy of Plaintiff SULOY TRIPORA's paystubs reflecting the frequency of the payments that he received from Sushi Katsuei Inc., prior to October 31, 2022 (e.g., on a bi-weekly basis) and after October 31, 2022 (e.g., on a weekly basis).

11. Attached hereto as **Exhibit I** is a true and correct copy of Plaintiff PRAMITA CHAKMA's paystubs reflecting the frequency of the payment that she received only on a *weekly basis* while working at Sushi Katsuei Inc.

12. Attached hereto as **Exhibit J** is a true and correct copy of the New York Department of State Division of Corporations record reflecting Sushi Katsuei Inc.'s entity information.

13. Attached hereto as **Exhibit K** is a true and correct copy of the New York Department of State Division of Corporations record reflecting Royal Katsuei Inc.'s entity information.

14. Attached hereto as **Exhibit L** is a true and correct copy of excerpts from the May 7, 2024 deposition of Plaintiff Rupan Chakma.

15. Attached hereto as **Exhibit M** is a true and correct copy of excerpts from the May 21, 2024 deposition of Plaintiff Suloy Tripura.

16. Attached hereto as **Exhibit N** is a true and correct copy of excerpts from the May 9, 2024 deposition of Plaintiff Tapan K. Tanchangya.

17. Attached hereto as **Exhibit O** is a true and correct copy of excerpts from the May 23, 2024 deposition of Plaintiff Tiyanit Kaewpan.

18. Attached hereto as **Exhibit P** is a true and correct copy of excerpts from the May 8, 2024 deposition of Plaintiff Pramita Chakma.

19. Attached hereto as **Exhibit Q** is a true and correct copy of Sushi Katsuei Inc. and Royal Katsuei Inc.'s websites maintained at the website domain <https://www.sushikatsuei.com>, as of August 28, 2024.

20. Attached hereto as **Exhibit R** is a true and correct copy of Plaintiff Tiyanit Kaewpan's time records reflecting her mostly part-time working hours while working at Sushi Katsuei Inc.

21. Attached hereto as **Exhibit S** is a true and correct copy excerpts from the June 25, 2024 deposition of the third-party witness, Ms. Mia Mia Swe (aka, "Mayasan," "Mayason," or "Maya" or "Mia-Mia Swe").

22. Attached hereto as **Exhibit T** is a true and correct copy of Plaintiff Tapan K. Tanchangya's time records reflecting his working hours and number of shift(s) that he performed in 2018 at Sushi Katsuei Inc.

23. Attached hereto as **Exhibit U** is a true and correct copy of Plaintiff Suloy Tripura's time records reflecting her working hours 2018 at Sushi Katsuei Inc.

24. Attached hereto as **Exhibit V** is a true and correct copy of Plaintiff Suloy Tripura's time records reflecting her working hours and number of shift(s) that she performed since July 2, 2018 at Sushi Katsuei Inc.

25. Attached hereto as **Exhibit W** is a true and correct copy of Plaintiff Tapan K. Tanchangya's time records reflecting his working hours and number of shift(s) that he performed since July 2, 2018 at Sushi Katsuei Inc.

26. Attached hereto as **Exhibit X** is a true and correct copy of Defendants' Supplemental Responses to Plaintiffs' First Set of Interrogatories.

27. Attached hereto as **Exhibit Y** is a true and correct copy of a screenshot picture of Sushi Katsuei Inc.'s CCTV, Defendants' document bates-stamped as DEF 000647, reflecting Plaintiff Rupan Chakma drinking at Sushi Katsuei Inc.'s kitchen during his shift on Friday at 17:37:21 in 2023.

28. Attached hereto as **Exhibit Z-1** is a true and correct copy of Sushi Katsuei Inc.’s Notice and Acknowledgement of Payrate forms issued to the tipped-workers.

29. Attached hereto as **Exhibit Z-2** is a true and correct copy of Royal Katsuei Inc.’s Notice and Acknowledgement of Payrate forms issued to the tipped-workers.

30. Attached hereto as **Exhibit Z-3** is a true and correct copy of Defendant Aung Ko Win’s affidavit submitted contemporaneously with Defendants’ Opposition Plaintiffs’ Motion for Class Certification and is referenced as “Win Aff.,” in Defendants’ memorandum of law.

31. Attached hereto as **Exhibit Z-4** is a true and correct copy of Defendant Aye Aye Swe’s affidavit submitted contemporaneously with Defendants’ Opposition Plaintiffs’ Motion for Class Certification and is referenced as “Swe Aff.,” in Defendants’ memorandum of law.

Dated: September 2, 2024

Flushing, New York

**SEO LAW GROUP, PLLC.**

/s/ Diana Seo

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